

AMENDMENTS TO THE FIGURES

Figure 1 has been amended to include a bracket in order to show the relationship or order of assembly of the various parts. The bracket encompasses each of the elements.

A replacement sheet is attached that includes new Figure 1. No new matter has been added by this amendment.

REMARKS

Claims 1-6 are pending in the above identified application. In a non-final Office Action dated June 27, 2005, the Examiner has: (1) objected to Figure 1 in the application under 37 C.F.R. § 1.84(h)(1); (2) rejected claims 1-6 under 35 U.S.C. § 112 as being indefinite; (3) rejected claims 1-4 under 35 U.S.C. § 102(b) as anticipated by UK Patent No. GB 2,138,882 to Endall et al (the "Endall reference"); and (4) rejected claims 1-4 and 6 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 4,817,655 to Brooks (the "Brooks reference"). The Examiner noted that claim 5 would be allowed if rewritten to overcome the 35 U.S.C. § 112 rejection. In response, Applicant: (1) respectfully submits a replacement drawing sheet with an amended Figure 1; (2) withdraws pending claims 1-4; (3) amends claims 5 and 6; and (4) submits new claims 7-11. No new matter has been added by these amendments.

Priority

The Examiner has indicated that the certified copies of applications EP 01123780.7 and EP 01127963.5, from which the present application claims priority, has not yet been submitted as required by 35 U.S.C. § 119(b). As such, the certified copies are being submitted with this paper.

In the Drawings

The Examiner as objected to Figure 1 because of the exploded view. The Examiner has suggested that the separated parts be embraced by a bracket in order to show the relationship or order of assembly of various parts. As suggested, Application has amended Figure 1 to include such a bracket. A replacement sheet that includes Figure 1 is enclosed with this paper. The new Figure 1 properly shows the relationship or order of assembly of the various parts. The drawing

sheet which contains Figure 1 is labeled as a “Replacement Sheet” as required by 37 C.F.R. § 1.121(d). Applicant respectfully requests the Examiner remove the objections to the drawings.

Claim Rejections Under 35 U.S.C. §112

The Examiner rejected claims 1-6 under 35 U.S.C. § 112, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has canceled claims 1-4 and amended claims 5 and 6. The Examiner has objected to claim 5 because the position of “the inside of said air-borne hall” is not previously defined. Claim 5 has been appropriately amended. The Examiner has objected to claim 6 because the phrase “with a rib and two arms” is confusing. Claim 6 has been appropriately amended.

Applicant respectfully requests the Examiner remove the rejection of all claims under 35 U.S.C. § 112 from claims 5 and 6.

Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1-4 under 35 U.S.C. § 102 as being anticipated by Endall et al. (UK Patent No. GB 2,138,882) and claim 6 as being anticipated by Brooks (U.S. patent No. 4,817,655). To anticipate a claim, the reference must include each and every element of the claim: “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131.01 (citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

Claims 1-4 and 7-11

The Examiner has rejected claims 1-4 under 35 U.S.C. § 102(b), as allegedly being anticipated by Endall et al. (UK Patent No. GB 2,138,882). Claims 1-4 have been canceled from this application. For purposes of furthering prosecution, Applicant herein compares the teaching of Endall with the invention claimed in new claims 7-11.

Endall does not teach “a deformable filler section, said deformable filler section sized slightly larger than the opening of said housing rail such that when said deformable filler section is placed inside of said U-shaped cross section of said housing rail, said deformable filler section deforms to releasably grip a flexible fabric against said inner surface of said U-shaped cross section of said housing rail,” as is recited in claim 7.

The Endall reference teaches a device to secure sheet material using an “elongate channel, and an elongate tube. . . .” (Endall, col. 1, ln. 42). As taught in Endall,

According to the invention, a device for securing flexible sheet material comprises an element of substantially rigid material defining an elongate channel, and an elongate tube of resiliently flexible material, the dimensions of the tube being such that it may be received within the channel with its outer periphery resiliently engaging the walls of the channel, the mouth of the channel being of smaller width than the interior of the channel whereby the tube must be compressed in order to pass through the mouth of the channel and then expands, due to its resilience, when it is within the channel, so as to be retained therein.

(Endall, col. 1, lines 39-53). The elongate tube is shown in Fig. 1 of the Endall reference as substantially hollow, and alternate arrangements are provided in the specification for “a comparatively rigid elongate element . . . [to] pass[] longitudinally through the tube 15 once it is within the channel . . . this ensures that the tube is positively locked within the channel.”

(Endall, col. 2, ln. 93-100). Endall teaches only resiliently flexible sections that return to their normal shape and size once inserted into the channel. Endall, therefore, does not teach “a deformable filler section . . . said deformable filler section deforms to releasably grip a flexible

fabric against said inner surface of said U-shaped cross section of said housing rail.” Further, “a deformable filler section,” as is recited in claim 7, is not obvious from the teachings of Endall.

Therefore, claim 7 is allowable over Endall. Claims 8-11 depend from claim 7 and are allowable for at least the same reasons as is claim 7. Applicant therefore respectfully requests that the Examiner’s rejection under 35 U.S.C. § 102(b) with regard to the Endall reference be withdrawn.

Claims 1-4 and 6-11

In the outstanding Office Action, the Examiner has rejected claims 1-4 and 6 under 35 U.S.C. § 102(b) as allegedly being anticipated by Brooks (U.S. Patent No. 4,817,655). Claims 1-4 have been canceled in this paper. Below, we discuss Brooks with respect to claim 6 and new claims 7-11.

The Brooks reference, however, does not teach “wherein the rail receives a deformable filler section, wherein the deformable filler section is deformed when inserted in the rail so as to retain a fabric between the rib and the two arms and the deformable filler section,” as is recited in claim 6, or “a deformable filler section . . . said deformable filler section deforms to releasably grip a flexible fabric against said inner surface of said U-shaped cross section of said housing rail,” as is recited in claim 7. The Brooks reference teaches fasteners for canopy assemblies. In an embodiment of the fastening system shown in Figs. 8 and 9, the canopy is fastened by a clip placed within a cavity. (Brooks, col. 6, ln. 59 - col. 7, l. 27). Brooks further teaches in Figs. 11 and 12 that the canopy can be pierced by screws to secure it in place. (Brooks, col. 7, ln. 58 - col. 8, ln. 21). Brooks also teaches, as shown in Fig. 13, that the canopy material can be fixed between two welts that run the length of the cavity where the welts are held in place by screws. (Brooks, col. 9, ln. 44 - col. 10, ln. 5). The welt, shown as element 132, “serves not only as a

moisture seal but also to complete an aesthetically attractive external appearance.” (Brooks, col. 9, ln. 18-20). While the welt covers the cavity, in the embodiments described above the canopy is ultimately secured by a screw or a clip. The Brooks reference does not disclose or teach “wherein the rail receives a deformable filler section, wherein the deformable filler section is deformed when inserted in the rail so as to retain a fabric between the rib and the two arms and the deformable filler section,” as is recited in claim 6, or “a deformable filler section . . . said deformable filler section deforms to releasably grip a flexible fabric against said inner surface of said U-shaped cross section of said housing rail,” as is recited in claim 7.

Therefore, claims 6 and 7 are allowable over Brooks. Claims 8-11 depend from claim 7 and are allowable for at least the same reasons as is claim 7. In view of the foregoing arguments, Applicant respectfully requests the Examiner remove the rejections under 35 U.S.C. § 102(b) with regard to the Brooks references.

Allowable Subject Matter

The Examiner has indicated that claim 5 is rejected as indefinite under 35 U.S.C. § 112, but “would be allowable is rewritten or amended to overcome the rejection” Accordingly, Applicant has amended claim 5 to overcome the 35 U.S.C. § 112 rejection, removing ambiguity within the claim. Applicant respectfully requests Examiner remove the rejection to amended claim 5 and allow the claim.

New Claims

New claims 7-11 have been added to replace claims 1-4. The subject matter of claims 7-11 is shown in the Figures and discussed throughout the text. No new matter has been added. Claims 7-11 are discussed above with respect to the Endall and Brooks references.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

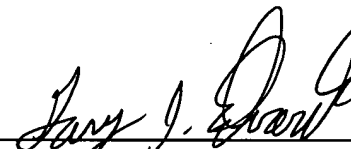
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: November 22, 2005

By: _____



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EXPRESS MAIL LABEL NO. EV 678997965 US

Attachments: Annotated drawing sheet of Figure 1
Replacement draft sheet of Figure 1
Two certified priority documents

ANNOTATED SHEET
SERIAL NO. 10/B15,928

